

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

Chapter 9

City of Detroit, Michigan,
Debtor

Case No. 13-53846
Hon. Steven W. Rhodes

**MOTION FOR CONTEMPT AND FOR SANCTIONS AGAINST
WAYNE COUNTY TREASURER**

Service Date: October 1, 2012

Designated Claimant: Deborah Taitt

Address: 18420 Wildemere
Detroit, MI 48221

Proof of Claim No.: 1300

Case No.: 12-017100-CH
Gatewood et al v Taitt et al

Court: Wayne County Third Circuit Court

Property: Parcel No. 16038783-9 AKA 16210 James Couzens, Detroit, MI 48221

FILED (I)
2014 OCT 20 A 11:28
U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

Claimant Deborah Taitt, acting in pro se in this matter files this Motion for Contempt and for Sanctions Against Wayne County Treasurer for violation of this court's stay order with respect to the City of Detroit bankruptcy filing. The claimant's third party quiet title action against the City of Detroit (Case 12-017100-CH Wayne County Third Circuit) was stayed by the court's order and to date has not been modified by this court.

Background Facts

1. The City of Detroit imposed in excess of \$5,000.00 in estimated water bill liens against the subject property between the period of March 2009 and July 2011. During this period the property was vacant.

2. The lien interest held by the claimant is superior to the lien interest claimed by the City of Detroit because the City of Detroit's claim of lien is not authorized by law.
3. Pursuant to MCL 123.162, municipalities which operate a water distribution system shall have a lien for the use or consumption of water. The estimated water bills do not provide actual use or consumption.
4. Pursuant to MCL 141.121 (3), estimated water bills cannot be certified.
5. The 2011 real property tax bill includes a water bill lien in the amount of \$2, 239.82 (Ex A)
6. Despite the stay order imposed by this court, the Wayne County Treasurer foreclosed on the 2011 real property taxes.
7. The Wayne County Treasurer had knowledge of the stay order.
8. The Wayne County Treasurer caused the property to be placed in the 2014 tax foreclosure sale (Ex. B)

I. The Wayne County Treasurer Knowingly Violated This Court's Stay Order

This court's stay order has been in effect since 2013. The Wayne County Treasurer had knowledge of the stay order and willfully violated the court's order. In *Jove Engineering, Inc. v Internal Revenue Service*, 92 F 3d 1539, 1553-56 (11th Cir. 1996), the court held that violations of court orders should be punished by contempt when the violation is willfull. A violation is willful if the violator (i) knew of the order and (ii) intentionally violated the order.

The Wayne County Treasurer willfully violated the stay order when it caused a foreclosure order to be issued on the 2011 real property taxes which included \$2,239.82 in water bill liens and subsequently placing the property in the 2014 tax foreclosure sale. Section 362 (a) (1) of the bankruptcy code provides that "the filing of a bankruptcy petition stays the commencement or

continuation of a judicial, administrative or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case..." Section 362 (a) (3) of the bankruptcy code provides that the filing of a bankruptcy petition stays any act to exercise control over property of the estate.

Section 541 of the bankruptcy code provides that property of a bankruptcy debtor's estate includes all legal and equitable interests of the debtor in property as of the commencement of the case. Any interference with the rights constitutes an attempt to collect on or control property of the estate. Violations of an automatic stay are punished by both the court's inherent power to impose contempt sanctions and by the award of damages under the statutory contempt power of 11 USC 105 (a). The claimant requests that the court enter an order granting this motion, finding the Wayne County Treasurer in contempt and imposing coercive and compensatory sanctions against them.

Relief Requested

1. The issuance of an order of contempt against the Wayne County Treasurer.
2. An order to enjoin the Wayne County Treasurer from any further foreclosure and or foreclosure sale proceedings.
3. An order invalidating any lien and ownership interest claimed in the subject property by the Wayne County Treasurer.
4. Any other such relief that the court deems just and proper.

Dated October 20, 2014

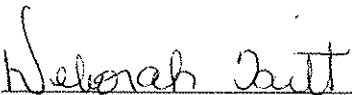

Deborah Taft, in pro se
18420 Wildemere
Detroit, MI 48221
(313) 340-1266

EXHIBIT A

2011 CITY OF DETROIT
CITY, COUNTY, SCHOOL TAX/FEE BILL
CITY OF DETROIT FINANCE DEPARTMENT
TREASURY DIVISION
COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE ROOM 136
DETROIT, MICHIGAN 48226

PARCEL # 16038783-9

TOTAL DUE \$5,550.82

AMOUNT PAID

Please Note: This bill is for 2011 only. Prior years' unpaid taxes/fees are billed separately.

Make checks payable to: Treasurer, City of Detroit

\$2,997.94 Summer Delinquent Due 12/31/2011
\$2,552.88 Winter Balance Due 01/15/2012

MAKE WAY CONSTRUCTION LLC
16216 JAMES COUZENS FWY
DETROIT, MI 48221-2852

Partial Legal Description:

E JAMES COUZENS DR 268 THRU 262 EXC JAMES COUZENS
HWY AS WD NORTHWESTERN PURITAN SUB L46 P31

Property Address: 16210 JAMES COUZENS

0128163/#50935

TAXING AUTHORITY	MILLS	TAX
WAYNE COUNTY	0.98970	33.79
W C JAILS	0.93810	32.03
W C PARKS	0.24590	8.39
W C HCMA	0.21460	7.32
W C RESA	0.09650	3.29
W C RESA SP ED	3.36780	114.99
W C COMM COLLEGE	2.47690	84.57
W C ZOO	0.10000	3.41
Total Winter Mills/Tax	8.42950	287.79
Del Water/Sewer		2,239.82
Admin Fee		25.27
Total		2,552.88
Summer Tax Balance		2,752.57
Summer Interest Balance		81.79
Summer Penalty Balance		144.44
Summer Total Balance		2,997.94
TOTAL DUE:		\$5,550.82

Taxable Value: 34,145
State Equalized Value: 39,963
School District: DETROIT SCHOOL
Property Class: 201-COMMERCIAL
Special Classification:
P.R.E. / M.B.T: 0.000%
(For additional information on principal residence, see back of bill)
Mortgage Co:

NOTICE:

The current amount due may be paid at
<http://www.detroitmi.gov/> or by calling 1-855-894-2400.
The credit card processor charges a 2.5 percent (2.5%) convenience fee for this service. For taxpayer transaction support help please call 1-888-891-5064 ext#1
Effective 12/01/2011 tax receipts will NO LONGER be mailed back to the taxpayer
Payments received after 10/31/2011 may not be reflected in this statement

WHEN PAYING IN PERSON, PLEASE BRING THE ENTIRE BILL

WHEN MAILING, RETURN BOTTOM PORTION WITH YOUR PAYMENT TO: Bill to City of Detroit

2011 CITY OF DETROIT
CITY, COUNTY, SCHOOL TAX/FEE BILL
CITY OF DETROIT FINANCE DEPARTMENT
TREASURY DIVISION
COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVE ROOM 136
DETROIT, MICHIGAN 48226

PARCEL # 16038783-9

TOTAL DUE \$5,550.82

AMOUNT PAID

0000201101002683010000110387832900001100005550824

\$2,997.94 Summer Delinquent Due 12/31/2011
\$2,552.88 Winter Balance Due 01/15/2012

Partial Legal Description:

E JAMES COUZENS DR 268 THRU 262 EXC
JAMES COUZENS HWY AS WD NORTHWESTERN
PURITAN SUB L46 P31

Property Address: 16210 JAMES COUZENS

*****AUTO**S-DIGIT 48221 318/1/5
MAKE WAY CONSTRUCTION LLC
16216 JAMES COUZENS FWY
DETROIT, MI 48221-2852

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

IN RE:

City of Detroit, Michigan
Debtor.

CASE NO: 13-53846
CHAPTER: 9
JUDGE: Hon. Steven W. Rhoades

ORDER GRANTING MOTION FOR/TO Contempt and for
Sanctions Against Wayne County Treasurer

^{Claimant's}
This matter having come before the Court on ~~Debtor's~~ motion for/to Contempt and for
Sanctions Against Wayne County Treasurer, the Court having considered the motion, and having found
cause:

IT IS ORDERED that the motion is granted.

UNITED STATES BANKRUPTCY COURT
Eastern District of Michigan

In re:

2014 OCT 20 A 11:28

Chapter: 9

City of Detroit, MI
Debtor(s)
U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

Case No.: 13-53846

Judge: Hon. Steven W. Rhodes

Address: 2 Woodward Ave, Ste. 500
Detroit, MI 48226

Last four digits of Social Security or
Employer's Tax Identification (EIN) No(s) (if any):

NOTICE OF [MOTION] [OBJECTION]

claimant

Debtor has filed papers with the court
to Motion for Contempt and Sanctions Against Wayne County Treasurer
{relief sought in motion or objection}

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to Grant motion [relief sought in motion or objection], or if you want the court to consider your views on the [motion] [objection], within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at:¹

United States Bankruptcy Court

211 W. FORT ST
Detroit, MI 48226

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to [enter your name and address and name and address of others to be served]:

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: October 20, 2014

Signature: Deborah Taitt
Name: Deborah Taitt
Address: 18420 Wildemere
Detroit, MI 48221

¹ Response or answer must comply with F. R. Civ. P. 8(b), (c) and (e)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN

2014 OCT 20 A 11:28

IN RE:

U.S. BANKRUPTCY COURT
E.D. MICHIGAN-DETROIT

CASE NO: 13-53846

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JUDGE: Hon Steven W. Rhodes

City of Detroit, MI

Debtor.

CERTIFICATE OF SERVICE

The undersigned certifies that on October 20, 2014 (date of mailing), a copy of the annexed papers was served by depositing same, enclosed in a properly addressed postage-paid envelope, in an official depository under the exclusive care and custody of the United States Postal Service within the State of Michigan, upon [specify name and mailing addressed of each party served]:

Wayne County Corporate Counsel
400 Monroe
Detroit, MI 48226

Dated: October 20, 2014

Deborah Taitt
Claimant's (Debtor's Signature)
Print Name: Deborah Taitt

(Co-Debtor's Signature)

Print Name: _____